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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,528	11/19/2003	Yuji Minota	8017-1109	5579
466	7590	06/10/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			GILMAN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,528	<b>Applicant(s)</b> MINOTA, YUJI	
	<b>Examiner</b> Alexander D Gilman	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/19/03; 12/05/03</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cable and connector (claims 10, 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites "said lever excludes a portion which would interfere with said cable extending from said connector connected to said connection port when said lever is manipulated."

It is unclear a function of the "portion which would interfere with said cable extending from said connector", since according to claim 11 "said lever abuts against said connector as said optical module is moved in a direction in which said optical module is drawn out of said cage when said connector is in connection to said connection port, so that said lever is prevented from moving to a position at which said locking means is released from the locking state.

If the lever is prevented from moving by the connector how it can interfere with said cable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Togami.

With regard to claim 1, Togami (US 6,533,603) discloses a locking mechanism comprising:

a locking member (110) swingably arranged in a case (106);

locking means (111, 132) for locking said locking member and said cage to each other;

a lever (108) pivotably arranged on said case, said lever capable of moving said locking member to release a locking state of said locking means; and

urging means (118) for urging said locking member to bring said locking means into the locking state when said case is housed in said cage,

wherein said locking means is released from the locking state by pulling said lever in a direction ((Fig. 3b) in which said optical module housed in said cage is drawn out of said cage.

With regard to claim 2, Togami discloses that said locking means comprises an locking hole (132) formed through said cage, and an locking protrusion (111) formed on said locking member for insertion into said locking hole.

With regard to claims 3 and 4, Togami discloses (Fig. 6) that said lever (308) is movable over an extent which is within a region between an extension of a topmost surface of said case in front of the front end surface of said case and an extension of a lowermost surface of said case in front of the front end surface of said case.

With regard to claim 5, Togami discloses that said case includes a stopper (209)

With regard to claim 6, Togami discloses that: said lever is arranged for pivotal movement about a pivotal shaft (125, 126) supported in a first groove formed in said case, and said locking member is arranged to swing about a shaft (112) supported in a second groove formed in said case, and

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said locking member (110) includes a front section disposed on the front side of said case from said shaft and pushed by said lever, and a rear section disposed on the rear side of said case from said shaft and having said locking protrusion (111).

With regard to claim 8, Togami discloses that said urging means consists of a spring portion (118) wherein:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are, as they can be understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Togami in view of Jacob et al.

With regard to claim 10, Togami discloses all of the limitations except for excluding a portion which would interfere with said cable extending from said connector.

Jacob et al (US 5,964,611) disclose a lever (20) with excluding a portion (46) which would interfere with said cable extending from said connector.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to exclude a portion of the lever which would interfere with said cable, as taught by Jacob et al, to manage said cable.

With regard to claim 11, Togami discloses said lever abuts against said connector (150) as said optical module is moved in a direction in which said optical module is drawn out of said cage when said connector is in connection to said connection port, so that said lever is prevented from moving to a position at which said locking means is released from the locking state.

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***Allowable Subject Matter***

Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including said locking member including shoulders on said front section against which said lever abuts when said lever projects in front of said case (Claim 7).

said first groove being formed such that said pivotal shaft is movable between a first position at which said pivotal shaft is situated when said locking protrusion is fitted in said locking hole and a second position at which said pivotal shaft is situated when said lever is pulled in front of said case; and said locking member includes a cam face formed in said front section such that said pivotal shaft pushes said front section as said pivotal shaft is moved from said first position to said second position within said first groove. (Claim 9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

*Alex Gilman*

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06/02/2004

  
**ALEXANDER GILMAN**  
**PRIMARY EXAMINER**